

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Mary Strobel

1 ABENICIO CISNEROS, SBN 302765
2443 Fillmore Street, #380-7379
2 San Francisco, CA 94115
707-653-0438
3 acisneros@capublicrecordslaw.com

4 Attorney for Petitioner and Plaintiff

5
6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7
8 **FOR THE COUNTY OF LOS ANGELES**

8 ADRIAN RISKIN,
9
10 Petitioner and Plaintiff,

11 vs.

11 CITY OF LOS ANGELES POLICE
12 DEPARTMENT,

13 Respondent and Defendant.
14
15
16

) Case No.:

) **VERIFIED PETITION FOR WRIT OF**
) **MANDATE/COMPLAINT FOR**
) **DECLARATORY RELIEF**

) **[California Constitution Article I § 3; Gov't**
) **Code § 6250, *et seq.*; Civ. Proc. Code §§ 1060,**
) **1085; Civ. Code § 3422]**

INTRODUCTION

1
2 1. This is a suit for records under the California Public Records Act (“CPRA”). The
3 Los Angeles Police Department ("LAPD" or "Respondent") is unlawfully withholding two
4 categories of records: "Private Person's Arrest Statement Forms" which contain information about
5 so-called "citizen's arrests," and postings to the Regional Public Private Infrastructure Collaboration
6 System ("RPPICS"), a system by which the LAPD, private security, and commercial interests share
7 a variety of information.

8 2. The Private Person's Arrest Statement Forms must be disclosed because they are not
9 exempt from disclosure and are of high public interest. The forms are not de-facto investigatory
10 records. They contain predominantly, if not exclusively, information that is subject to mandatory
11 disclosure under Cal. Gov. Code § 6254(f)(1)-(f)(2)(A).¹ Further, the public interest in these
12 records is high. These "arrests" largely involve "Business Improvement Districts" ("BIDs") and
13 others acting on behalf of commercial interests. The public has a right to know how many people
14 these commercial interests are "arresting" with the cooperation of LAPD, what pretenses are being
15 cited to justify the "arrests", and to what extent the "arrests" constitute efforts by private security to
16 harass and displace people based on race, economic status, and/or other characteristics.

17 3. The RPPICS postings, similarly, must be disclosed because they are not uniformly
18 exempt from disclosure and are of high public interest. Many of the posts are likely non-exempt
19 public safety notices, non-investigatory postings by either LAPD or private actors, or posts
20 containing information subject to mandatory disclosure under § 6254(f)(1)-(f)(2)(A). Additionally,
21 even if an exemption to disclosure might apply to some of the information on RPPICS, the LAPD
22 waived any applicable exemptions by disclosing that information to various members of the public
23 who have accessed the postings. *See* § 6254.5. Further, the public interest in these records is high.
24 In this era of gentrification, hostility towards the homeless, and continued racial animus towards
25 people of color, the public has a right to know whether and to what extent the RPPICS is being used
26 by LAPD and commercial interests to further criminalize and marginalize these communities.

27
28

¹ Unless otherwise stated, all references to code sections are to the California Government Code.

4. Therefore, by this Petition and pursuant to the Code of Civil Procedure §§ 1085, *et seq.* and Government Code §§ 6250, *et seq.*, Petitioner seeks a writ of mandate and declaratory relief to enforce the CPRA by compelling Respondent to locate and produce the requested records.

JURISDICTION AND VENUE

5. This Court has jurisdiction under Gov't Code §§ 6258, 6259, Code of Civ. Proc. § 1085, and Article VI, Section 10 of the California Constitution.

6. Venue is proper in this Court. The records in question, or some portion of them, are situated in the County of Los Angeles, Gov't Code § 6259; the acts or omissions complained of occurred in the County of Los Angeles, Code of Civ. Proc. § 393; and, Respondent is located in the County of Los Angeles, Code of Civ. Proc. § 395.

PARTIES

7. Petitioner Adrian Riskin is a resident of Los Angeles, holds a PhD in mathematics, is a mathematics professor at a local college, and is an open records activist. Riskin utilizes public record requests to investigate and understand the activities of BIDs, the Los Angeles City government, and the relationship between the two. He publicizes his findings to the public through blogging and community events. Riskin has uncovered information via CPRA requests that has assisted academic researchers and the public at large in understanding BIDs and their power in the community. Riskin's research was recently featured as part of an exhibit at the Los Angeles Poverty Department Museum and documentary filmmakers have used records Riskin uncovered to inform their ongoing production of a film on the Greater West Hollywood Food Coalition and the Hollywood Media District BID. Additionally, Riskin has empowered the public to use the CPRA effectively for both research and civic activism by publishing a guide to the practical use of the CPRA in the City of Los Angeles. Riskin is a member of the public within the meaning of §§ 6252(b)-(c).

8. Respondent City of Los Angeles is a municipal corporation duly organized under the laws of the State of California. The LAPD is a department of the City. Therefore, Respondent, including the LAPD, is a local agency within the scope of the CPRA. *See* § 6252(a).

1 **FACTUAL ALLEGATIONS**

2 **Petitioner's Request for Private Person's Arrest Statement Forms.**

3 9. On May 16, 2018, Petitioner submitted a CPRA request via Respondent's
4 NextRequest Public Records Portal at recordsrequest.lacity.org for copies of "all 'Private Person's
5 Arrest Statement Form(s)' generated at the Hollywood Station from January 1, 2016 on."
6 Respondent numbered the request #18-1109. A screenshot of Respondent's website reflecting
7 Petitioner's May 16, 2018, request is attached as EXHIBIT A.

8 10. The LAPD Department Manual sections 216.30 – 216.34 contains the policies and
9 procedures related to arrests by private persons. The Private Person's Arrest Statement Form–
10 identified in the Department Manual as Form 05.02.10–is used when LAPD officers receive an
11 arrestee from a private person who has effectuated an arrest. Section 216.33 of the Department
12 Manual states, in relevant part, that "[a]fter receiving an arrested person, officers shall verify the
13 identify [sic] of the person making the arrest and shall complete a Form 5.02.10..." A screenshot of
14 Section 216.33 of the LAPD Department Manual captured from Respondent's website at
15 http://www.lapdonline.org/lapd_manual/volume_4.htm#216 is attached as EXHIBIT B.

16 11. The Private Person's Arrest Statement Forms do not contain the impressions of
17 officers or the results of an officer's investigation. Rather, they permit the arresting person to convey
18 information such as what offense was alleged to have occurred, details such as the time and location
19 of the alleged violation, and contact information for the arresting person. An example form,
20 obtained by Petitioner via a CPRA request to another entity, is attached as EXHIBIT C.

21 12. After initially incorrectly routing the request to LAPD Records and Identification
22 Division, Respondent denied Petitioner's request in a June 13, 2018 email. In that email,
23 Respondent stated that "to the extent records were located," the records are exempt from disclosure
24 under the investigatory records exemption contained in § 6254(f). Respondent further stated that
25 Petitioner's request was now "closed." A true and accurate copy of Respondent's June 13, 2018
26 email denying Petitioner's request is attached as EXHIBIT D.

27 13. While Respondent denied the request for records, and "closed" the request, it also
28 indicated that, "should any records be located," certain information contained within the records–

1 such as the name and occupation of the arrestee and a description of the circumstances of the arrest—
2 could be made available upon request. *See EXHIBIT D.*

3 14. Petitioner responded the same day, challenging Respondent's claim that the Private
4 Person's Arrest Statement Forms are exempt under § 6254(f), and requesting that Respondent
5 provide the non-exempt information contained within the forms which Respondent purported to
6 offer upon request. A true and accurate copy of Petitioner's June 13, 2018 email to Respondent is
7 attached as EXHIBIT E.

8 15. Nearly a month passed and Petitioner received no response. Rather than proceed
9 directly to litigation, Petitioner emailed Respondent on July 9, 2018. In the email, Petitioner
10 reiterated the request for the forms and information contained therein. A true and accurate copy of
11 Petitioner's July 9, 2018, email to Respondent is attached as EXHIBIT F.

12 16. Respondent replied via email on August 17, 2018. In its email, Respondent reiterated
13 its position that the forms are exempt as investigatory. Concerning the non-exempt information
14 contained within the forms—which Respondent previously indicated it would make available to
15 Petitioner upon request—Respondent refused to provide that information. Rather than provide the
16 requested non-exempt information, Respondent limited the availability of that information to
17 instances where Petitioner could identify a "specific case," and informed Petitioner that the
18 information would only be provided if Petitioner "made a new request." A true and accurate copy of
19 Respondent's August 17, 2018 email is attached as EXHIBIT G.

20 17. That same day, rather than proceeding directly to litigation, Petitioner made yet
21 another attempt to obtain the records. In a message Petitioner sent to Respondent via its open
22 records portal, Petitioner again contested that the forms are exempt from disclosure and informed
23 Respondent that, without the requested information, there was no way for Petitioner to identify
24 specific cases. A true and accurate screenshot of Petitioner's August 17, 2018 message is attached as
25 EXHIBIT H.

26 18. Respondent has not replied further. As of this writing, Respondent has failed to
27 provide any records or information in response to Petitioner's May 16, 2018 request.

28 /

1 **Petitioner's Request for Postings to the Regional Public Private Infrastructure**
2 **Collaboration System.**

3 19. On August 31, 2018, Petitioner submitted a CPRA request via Respondent's
4 NextRequest Public Records Portal at recordsrequest.lacity.org, for "everything posted to the
5 Regional Public Private Infrastructure Collaboration System in August 2018." Respondent
6 numbered the request #18-2311. A screenshot of Respondent's website reflecting a true and accurate
7 copy of Petitioner's August 31, 2018, request is attached as EXHIBIT I.

8 **Background on RPPICS**

9 20. While complete information about the nature of RPPICS is not publicly available, it
10 is clear that RPPICS is a system by which the LAPD and various private organizations
11 communicate. Los Angeles Mayor Eric Garcetti, in an August 19, 2013, letter to the Los Angeles
12 City Council, described RPPICS as a "web platform" which "provides a bridge between the Los
13 Angeles Police Department and public and private sector partners that oversee critical assets and
14 high priority threat targets." As of this writing, that letter is available at
15 http://clkrep.lacity.org/online/docs/2011/11-1256-S1_rpt_mayor_8-19-13.pdf.

16 21. RPPICS works as a "real-time tip line, or an internal blog[,] to share information on
17 suspicious activities," according to a 2011 article posted on LAdowntownnews.com. The article
18 provides an example of the content posted to the RPPICS: in one instance, a high-rise security guard
19 posted to RPPICS in order to alert other property managers that three "juvenile troublemakers" with
20 backpacks unsuccessfully attempted to gain entrance to a building by claiming they wanted to see
21 their parents without being able to name said parents. As of this writing, that article is available at
22 [http://www.ladowntownnews.com/news/keeping-the-tall-towers-safe/article_cf366882-bc70-11e0-](http://www.ladowntownnews.com/news/keeping-the-tall-towers-safe/article_cf366882-bc70-11e0-840f-001cc4c002e0.html)
23 [840f-001cc4c002e0.html](http://www.ladowntownnews.com/news/keeping-the-tall-towers-safe/article_cf366882-bc70-11e0-840f-001cc4c002e0.html).

24 22. The LAPD distributes information via email to the private entities that participate in
25 RPPICS. For example, according to the website bldgblog.com, in 2009 the LAPD emailed RPPICS
26 members that, on an upcoming morning, city residents may hear sonic booms due to supersonic
27 aircraft activity at Edwards Air Force Base. As of this writing, that post is available at
28 <http://www.bldgblog.com/2009/06/the-exact-acoustic-shape-of-the-skies-above-los-angeles/>.

23. The LAPD also sends email bulletins when new reports are posted to the website. Petitioner has obtained, through other CPRA requests, a number of these bulletins. The bulletins are sent to multiple recipients, many, if not all, of whom constitute "members of the public" under § 6252(b)-(c). The bulletins direct recipients to the webpage rppics.lapd.lacity.org/Lists/Announcements/AllItems.aspx. That link directs to a password-protected login page to the RPPICS postings. A true and accurate copy of a May 22, 2018, email bulletin and a screenshot of the RCCIPS website login page are attached as EXHIBIT J.

Respondent withheld all RPPICS posting records

24. On September 26, 2018, Respondent denied Petitioner's request, citing to the investigatory records exemption in § 6254(f). As with Petitioner's request for Private Person's Arrest Statement Forms, the LAPD declined to confirm whether it either located records or determined, on a record-by-records basis, that an exemption applies. Instead, Respondent asserted that, "[t]o the extent that records were located, they are either investigatory records themselves or properly part of an investigative file." A screenshot of Respondent's website reflecting a true and accurate copy of Respondent's September 26 reply is attached as EXHIBIT K.

25. That same day, Petitioner, rather than proceeding directly to litigation, messaged Respondent in an attempt to obtain the requested records. Petitioner stated that any applicable exemptions applying to the postings were likely waived under § 6254.5—due to the many members of the public who have access to the postings—and asked Respondent to reconsider its denial. A screenshot of Respondent's website reflecting a true and accurate copy of Petitioner's September 26 reply is attached as EXHIBIT L.

26. Respondent did not reply further or reconsider its denial. As of this writing, Respondent has failed to provide any records or information in response to Petitioner's August 31, 2018 request.

FIRST CAUSE OF ACTION:
VIOLATION OF THE CALIFORNIA CONSTITUTION ARTICLE 1, § 3(b)

27. Petitioner incorporates herein by reference the allegations of paragraphs 1 through 26 above, as if set forth in full.

28. The California Constitution provides an independent right of access to government records: “The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.” Cal. Constitution, Art. 1 § 3(b)(1). This provision was adopted by the voters in 2004 because, as the ballot argument supporting the measure states, when Californians asked questions of their government, they increasingly found “that answers are hard to get.” The constitutional provision is intended to reverse that trend.

29. Respondent's failure to provide records in response to Petitioner's Public Records requests violated Article 1, Section 3(b) of the California Constitution.

SECOND CAUSE OF ACTION:
PETITION FOR WRIT OF MANDATE AND DECLARATORY RELIEF PURSUANT TO
THE CALIFORNIA PUBLIC RECORDS ACT, GOV'T CODE § 6250, et seq.

30. Petitioner incorporates herein by reference the allegations of paragraphs 1 through 29 above, as if set forth in full.

General principles of the California Public Records Act

31. Under the California Public Records Act, § 6250 *et seq.*, all records that are prepared, owned, used, or retained by any public agency and that are not subject to the CPRA's statutory exemptions to disclosure must be made publicly available for inspection and copying upon request. §§ 6253(a)-(b).

32. In enacting the CPRA, the legislature recognized that:

A requester, having no access to agency files, may be unable to precisely identify the documents sought. Thus, writings may be described by their content. The agency must then determine whether it has such writings under its control and the applicability of any exemption. An agency is thus obliged to search for records based on criteria set forth in the search request.

California First Amendment Coalition v. Super. Ct. (1998) 67 Cal. App. 4th 159, 165-66; *see* § 6253(b).

33. The law requires that agencies make non-exempt public records available to requestors “promptly” after locating them. § 6253(b). It is unlawful for an agency “to delay or obstruct the inspection of public records.” § 6253(d).

1 34. Where an agency withholds responsive records on the basis of a statutory exemption,
2 “the agency . . . must disclose that fact.” *Haynie v. Super. Ct.* (2001) 26 Cal. 4th 1061, 1072 (citing
3 § 6255). Even if portions of a document are exempt from disclosure, the agency must disclose the
4 remainder of the document. § 6253(a). The agency bears the burden of justifying nondisclosure.
5 § 6255(a). In determining whether exemptions apply, courts must follow the constitutional
6 imperative that the applicability of exemptions must be construed narrowly and that the people’s
7 right of access to public information must be construed broadly. Cal. Constitution, Art. I, § 3(b)(2).

8 35. The CPRA requires the government to “assist the member of the public [to] make a
9 focused and effective request that reasonably describes an identifiable record or records” by taking
10 steps to “[a]ssist the member of the public to identify records and information that are responsive to
11 the request or to the purpose of the request, if stated.” § 6253.1. An agency that receives a request
12 must also “[p]rovide suggestions for overcoming any practical basis for denying access to the
13 records or information sought.” *Id.*

14 36. Whenever it is made to appear by verified petition to the Superior Court of the
15 county where the records or some part thereof are situated that certain public records are being
16 improperly withheld from a member of the public, the Court shall order the officer or person
17 charged with withholding the records to disclose the public record or show cause why he or she
18 should not do so. The Court shall decide the case after examining the record in camera (if permitted
19 by the Evidence Code), papers filed by the parties, and any oral argument and additional evidence
20 as the Court may allow. § 6259(a). If the Court finds that the failure to disclose is not justified, it
21 shall order the public official to make the record public. § 6259(b).

22 37. Public policy favors judicial enforcement of the CPRA. The CPRA contains a
23 mandatory attorney’s fee provision for the prevailing plaintiff. § 6259(d). The purpose of the
24 provision is to provide “protections and incentives for members of the public to seek judicial
25 enforcement of their right to inspect public records subject to disclosure.” (emphasis added)
26 *Filarsky v. Super. Ct.* (2002) 28 Cal.4th 419, 427.

27 /
28 /

Respondent violated the CPRA when it withheld all records and information in response to Petitioner's request for Private Person's Arrest Statement Forms.

38. The LAPD is unlawfully withholding records and/or information in response to Petitioner's request for Private Person's Arrest Statement Forms. The forms are not exempt on their face as investigatory records and Respondent cannot show every form is part of an investigatory file. Even assuming, *arguendo*, all or some forms are exempt as part of an investigatory file, the large majority of information contained on the forms must nevertheless be disclosed under § 6254(f)(1)-(f)(2)(A), regardless of whether Petitioner identifies a specific case.

39. The investigatory records exemption reaches both "records of ... investigations" and "investigatory files." § 6254(f). The statutory language concerning investigatory *files* reaches material that, while not on its face exempt from disclosure, nevertheless becomes exempt through inclusion in an investigatory file. *Williams v. Superior Court* (1993) 5 Cal. 4th 337, 354 (*Williams*). However, law enforcement does not enjoy carte blanche to withhold a record simply by placing it in a filed labeled "investigatory." *Id.* at 355. On the contrary, it is well established that files only become exempt as investigatory when the prospect of enforcement proceeding are "concrete and definite." *Id.* at 356. Thus, to justify withholding the forms, the LAPD must show that they are either themselves records of investigations, or are duly exempt as part of an investigatory file in which there arose a definite and concrete prospect of enforcement.

40. The forms are not, themselves, records of investigations. The exemption in § 6254(f) for records of investigations only reaches investigations conducted by "the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency...." Here, the forms are filled out by "private person's" who decide to effectuate an arrest independent of any investigation by a law enforcement agency.

41. Additionally, in order to be exempt as a "record of investigation" under § 6254(f), the record must be a targeted inquiry into a particular crime or crimes. *ACLU of Southern California v. Superior Court* (2017) 3 Cal.5th 1032, 1040 (*ACLU*). Here, the forms are not the result of any inquiry by law enforcement. Rather, they are completed when an officer receives an arrested person from the private arresster. Thus, the forms are properly considered administrative tracking forms, not

1 records of a targeted inquiry into a particular crime. As such, the forms are not exempt on their face
2 under § 6254(f).

3 42. Neither can Respondent withhold all the Private Person's Arrest Statement Forms on
4 the basis that they are investigatory files under § 6254(f). Respondent can only sustain its
5 withholding of *all* of the forms by showing that a "concrete and definite" prospect of enforcement
6 existed as to *each and every* form. *See Williams, supra*, at 356.

7 43. Here, Respondent appears to have made no such case-by-case determination. Instead,
8 Respondent is withholding *all* requested records on the basis that they are categorically exempt.
9 Respondent is incorrect. While some forms may be properly investigative files under § 6254(f),
10 Respondent's failure to make a case-by-case determination is unlawful and Respondent is
11 withholding those forms which are not part of investigatory files in violation of the CPRA.

12 43. Even assuming, *arguendo*, that some forms are, themselves, exempt under § 6254(f),
13 Respondent is unlawfully withholding non-exempt information contained within the forms which is
14 subject to mandatory disclosure under § 6254(f)(1)-(f)(2)(A).

15 44. The investigatory records exemption explicitly does not exempt from disclosure
16 certain information contained *within* investigatory records. §§ 6254(f)(1)-(f)(2)(A). After describing
17 the investigatory records exemption generally, section 6254(f) states, in relevant part:

18 Notwithstanding any other provision of this subdivision, state and
19 local law enforcement agencies shall make public the following
information . . .

20 (1) The full name and occupation of every individual
21 arrested by the agency, the individual's physical description
22 including date of birth, color of eyes and hair, sex, height
23 and weight, the time and date of arrest, the time and date of
24 booking, the location of the arrest, the factual
25 circumstances surrounding the arrest, the amount of bail
26 set, the time and manner of release or the location where
the individual is currently being held, and all charges the
individual is being held upon, including any outstanding
warrants from other jurisdictions and parole or probation
holds.

27 (2) (A) Subject to the restrictions imposed by Section 841.5
28 of the Penal Code, the time, substance, and location of all
complaints or requests for assistance received by the
agency and the time and nature of the response thereto,

1 including, to the extent the information regarding crimes
2 alleged or committed or any other incident investigated is
3 recorded, the time, date, and location of occurrence, the
4 time and date of the report, the name and age of the victim,
5 the factual circumstances surrounding the crime or incident,
6 and a general description of any injuries, property, or
7 weapons involved...

8 45. The provisions in §§ 6254(f)(1)-(f)(2)(A) are limitations on the CPRA's exemption
9 for law enforcement investigatory records and require agencies to disclose specific information
10 derived from the investigatory records "rather than" the records themselves. *Williams, supra*, at
11 360-361. Those provisions for mandatory disclosure from law enforcement investigatory files
12 "represent the Legislature's judgment, set out in exceptionally careful detail, about what items of
13 information should be disclosed and to whom." *Williams, supra*, at 393.

14 46. Further, Courts have recognized an agency must construe a request for an
15 investigatory record as a request for the information contained within that record, and must produce
16 the non-exempt information described in §§ 6254(f)(1)-(f)(2)(A). The court in *Cnty Youth Athletic
17 Ctr. v. City of Nat'l City* (2013) 220 Cal.App.4th 1385 (*Nat'l City*), citing *Haynie v. Superior Court*
18 (2001) 26 Cal.4th 1061 (*Haynie*), stated:

19 In construing a disclosure request, the policy of the PRA requires
20 the courts to consider the information that is being requested, not
21 only the precise type of records that must be provided. For
22 example, an agency may be required to produce the "substance" of
23 complaints and the "factual circumstances surrounding the crime
24 or incident" even if a requested arrest record is exempt from
25 disclosure. (internal citations omitted)

26 *Nat'l City, supra*, at 1430.

27 47. Here, the forms Petitioner requested contain a variety of non-exempt information.
28 Petitioner's request for the forms triggered Respondent's duty to provide that non-exempt
information. Thus, assuming, *arguendo*, that Respondent has no duty to provide the forms
themselves, Respondent is violating the CPRA by withholding the non-exempt information
contained within the forms.

48. As such, Respondent cannot withhold all Private Person's Arrest Statement Forms,
and non-exempt information contained therein, subject to § 6254(f). The forms are not records of

1 investigations, they are not in all cases part of investigatory files, and they all contain non-exempt
2 information. Respondent must produce the requested forms and/or information contained therein.

3 **Respondent is violating the CPRA by withholding all records and information in**
4 **response to Petitioner's request for RPPICS postings.**

5 49. The LAPD is unlawfully withholding records and/or information in response to
6 Petitioner's request for RPPICS postings. The postings are not exempt on their face as investigatory
7 records, and the agency cannot show every posting is part of an investigatory file. Even assuming,
8 *arguendo*, that some postings are part of an investigatory file, certain information contained within
9 the postings must nevertheless be disclosed under § 6254(f)(1)-(f)(2)(A). Finally, Respondent has
10 waived any and all exemptions to disclosure by sharing the postings with members of the public.

11 50. The RPPICS postings are not records of investigations. To the extent that the
12 postings contain information communicated from private parties to Respondent, they are not the
13 result of law enforcement's targeted inquiry into a crime. *See* § 6254(f); *ACLU, supra*. To the extent
14 the postings contain information communicated from Respondent to private parties, they are likely
15 communications related to "crime prevention and public safety that are unrelated to either civil or
16 criminal investigations" and are thus not "records of investigations" under § 6254(f). *See Haynie,*
17 *supra*, at 1071. Thus, the postings are not exempt on their face as records of investigations under §
18 6254(f).

19 51. Neither are the postings uniformly part of investigatory files. As with the Private
20 Person's Arrest Statement Forms, Respondent can only withhold postings as investigatory files if it
21 can show that each posting relates to an investigation in which there arose a concrete and definite
22 prospect of enforcement. *Williams, supra*, at 356. Here, Respondent appears to have made no such
23 determination, opting rather to declare all postings exempt. While some postings may be properly
24 investigative files under § 6254(f), Respondent's failure to make a case-by-case determination is
25 unlawful and Respondent is withholdings non-exempt postings in violation of the CPRA.

26 52. Even assuming, *arguendo*, some postings are exempt under § 6254(f), the non-
27 exempt information contained within the postings must be produced. Respondent's duty to produce
28 non-exempt information from otherwise exempt investigatory records is discussed in paragraphs 44-

1 46, *supra*. Here, to the extent the postings contain any of the information described in § 6254(f)(1)-
2 (f)(2)(A), Respondent is unlawfully withholding that information.

3 53. Finally, even assuming, *arguendo*, exemptions to disclosure apply to the RPPICS
4 postings, Respondent has waived those exemptions by making the records or information contained
5 therein available to members of the public. An agency, by disclosing records to members of the
6 public, waives its ability to withhold those records subject to an exemption under the CPRA. §
7 6254.5. Here, postings are available to many members of the public via RPPICS. As such,
8 Respondent cannot withhold such records subject to exemption in response to Petitioner's request.

9 54. Thus, Respondent cannot withhold all postings to RPPICS. The postings are not
10 records of investigations, they are not in all cases part of investigatory files, they contain non-
11 exempt information, and any claim of exemption is waived under § 6254.5. Respondent must
12 produce the requested postings and/or non-exempt information contained therein.

13 55. Respondent has violated the California Public Records Act by unlawfully
14 withholding requested records and information, by failing to conduct a search for records, and by its
15 other acts described herein. Therefore, Petitioner respectfully petitions for a writ of mandate
16 ordering Respondent to comply with the CPRA.

17 **A WRIT OF MANDATE AND DECLARATORY RELIEF IS APPROPRIATE**

18 56. Respondent has a clear, present, ministerial duty to comply with the California
19 Constitution and Gov't Code § 6250, *et seq.*

20 57. Petitioner has performed all conditions precedent to filing this petition. There are no
21 administrative exhaustion requirements under Gov't Code § 6250, *et seq.*

22 58. Petitioner has no plain, speedy, adequate remedy in the ordinary course of law other
23 than the relief sought in this petition.

24
25 **PRAYER FOR RELIEF**

26 WHEREFORE, Petitioner prays as follows:

- 27 1. That this Court issue a declaration that Respondent violated the California Public
28 Records Act by its acts and omissions described in this petition.

2. That the Court issue a peremptory writ of mandate directing Respondent to locate all requested records and to provide Petitioner with all requested records, except records that the Court determines may lawfully be withheld.
3. That Petitioner be awarded attorney's fees and costs; and
4. For such other and further relief as the Court deems proper and just.

Dated: January 25, 2019

Respectfully submitted,



ABENICIO CISNEROS
Attorney for Petitioner and Plaintiff

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this the 25th day of January, 2019 in Los Angeles, California.

ADRIAN RISKIN
Petitioner and Plaintiff

INDEX OF EXHIBITS

- EXHIBIT A: Screenshot of Respondent's website reflecting Petitioner's May 16, 2018, request.
- EXHIBIT B: Screenshot of LAPD Dep't Manual Section 216.33.
- EXHIBIT C: Example Private Person's Arrest Statement Form.
- EXHIBIT D: Respondent's June 13, 2018, email denying Petitioner's May 16, 2018, request.
- EXHIBIT E: Petitioner's June 13, 2018, email to Respondent.
- EXHIBIT F: Petitioner's July 9, 2018, email to Respondent.
- EXHIBIT G: Respondent's August 17, 2018, email to Petitioner.
- EXHIBIT H: Petitioner's August 17, 2018 message to Respondent.
- EXHIBIT I: Screenshot of Respondent's website reflecting Petitioner's August 31, 2018, request.
- EXHIBIT J: May 22, 2018 RCCIPS email bulletin and screenshot of RCCIPS login page.
- EXHIBIT K: Screenshot of Respondent's website reflecting Respondent's September 26, 2018, reply to Petitioner.
- EXHIBIT L: Screenshot of Respondent's website reflecting Petitioner's September 26, 2018, reply to Respondent.

EXHIBIT A

< Request #18-1109 >

☒ CLOSED

Dear LAPD, I am request copies of all "Private Person's Arrest Statement Form" generated at the Hollywood Station from January 1, 2016 on. Thank you, please provide as a PDF.

Received **May 16, 2018** via web

Departments **Police Department (LAPD)**

Documents

(none)

Staff

*Point of
Contact* **LAPD Analyst Leroy N5470**

EXHIBIT B

216.33 RECEIVING ARRESTED PERSON. All persons involved in a private person's arrest shall be advised that officers are not making the arrest, but are merely receiving the arrested person. After receiving an arrested person, officers shall verify the identify of the person making the arrest and shall complete a Form 05.02.10 and ensure that the arresting person reads, understands and signs the form. Officers shall also determine the arrestee's eligibility for release from custody.

Note: Officers are no longer required to cause the arresting person to write the statement "I have arrested this person" or sign their full name, address, and telephone at the bottom of the Arrest Report, Form 05.02.00.

Arrestee Eligible for Release From Custody. If it is determined that the arrestee is eligible for release from custody, the procedures outlined in Manual Section 4/216.65 shall be followed.

Arrestee Ineligible for Release From Custody. When it is determined that the arrestee is ineligible for release from custody, officers shall:

- Request the arresting person to accompany the officers to the station;
- Assist the arresting person in completing the Arrest Report, Form 05.02.00. The officers' names and serial numbers shall appear only in the narrative portion of the report as "Transporting Officers" or as "Officers Receiving the Arrested Person;"
- Cause the arresting person to sign his/her full name, address, and telephone number on the Private Persons Arrest form;
- Obtain copies of any and all written reports completed by the arresting private person, or statements of guilt signed by the arrestee;

Note: If the arresting private person cannot or will not provide written documents pertaining to the arrest, a detailed statement explaining the circumstances shall be included in the arrest or RFC report.

- Record the appropriate booking and DR numbers on the upper right corner of the documents;
- Number the documents as separate pages of the arrest or RFC reports in sequence, following the last page of the narrative portion of the report.

Note: When using the Property Report, Form 10.01.00, in combined reporting, the Property Report shall be the last page.

- Book the arrestee to the arresting private person; and,
- Complete other necessary reports.

Note: The arresting private person need not accompany the officers to the station when:

- The arrest is for petty theft or misdemeanor forgery; and,
- The crime occurred at a regularly established place of business; and,
- All the elements of the offense are present and there appears to be probable cause for the arrest; and,
- The telephonic approval of the officer's watch commander has been obtained for this action.

EXHIBIT C

LOS ANGELES POLICE DEPARTMENT
PRIVATE PERSON'S ARREST STATEMENT FORM

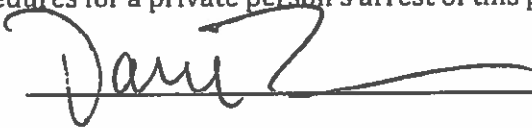
PAGE NO	TYPE OF REPORT	BOOKING NO	DR NO.
	ARREST		
PURSUANT TO CALIFORNIA PENAL CODE SECTION 837 (AUTHORITY TO ARREST). I <u>Tesh, DAVE</u> A PRIVATE PERSON, HAVE ARRESTED <u>Meddley, William Jasper</u>, FOR VIOLATION OF SECTION <u>41.24 (b) LAMC (trespassing) NOT OPEN TO THE PUBLIC</u>. A PUBLIC OFFENSE COMMITTED IN MY PRESENCE AT <u>6562 Hollywood Blvd</u> <u>Los Angeles CA. 90028</u> ON (DATE) <u>5/13/2017</u> AT (TIME) <u>700</u>. I HEREBY DEMAND THAT POLICE OFFICERS(S) <u>Gallegos #35702</u> <u>LAPD</u> OF <u>HOLLYWOOD</u> DIVISION TAKE CUSTODY OF, AND TRANSPORT MY ARRESTEE TO A LOS ANGELES POLICE STATION OR OTHER APPROPRIATE LOCATION FOR BOOKING / PROCESSING. I UNDERSTAND THAT THE OFFICER(S) ARE ONLY TRANSPORTING THIS PERSON AND COMPLETING THE NECESSARY REPORTS. I WISH TO PROSECUTE AND AGREE TO COOPERATE FULLY AND APPEAR WHEN REQUIRED AT ALL STAGES OF THE PROCEEDINGS. PLEASE READ BEFORE SIGNING I have read and understand the above statement of arrest. The officer (s) named above have fully explained the procedures for a private person's arrest of this person in custody. Arresting Person's Signature <u></u> Street Address <u>6801 HOLLYWOOD BLVD. #169</u> City / Zip Code <u>L.A. CA. 90028</u> Phone Number <u>(323) 465-0122</u> Date of Birth <u>03/03/1958</u>			

EXHIBIT D

Your City of Los Angeles public records request 18-1109 has been closed.

From: publicrecords@lacity.org <support@nextrequest.com>
Reply-To: lacity_18-1109-requester-notes@inbound.nextrequest.com
To: ammoncarver@aol.com
Subject: Your City of Los Angeles public records request 18-1109 has been closed.
Date: Wednesday, June 13, 2018 8:40 AM
Size: 26 KB

-- Write ABOVE THIS LINE to post a message that will be sent to staff. --

City of Los Angeles Public Records

Record request #18-1109 has been closed. The closure reason supplied was:

Dear Ammon Carver:

I have reviewed your request for all "Private Person's Arrest Statements Forms" from Hollywood Station from January 1, 2016 to the present.

Your request was made under the California Public Records Act ("The Act"). The Department is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted in order to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per California Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

In accordance with the California Government Code, Section 6254(f), records of investigations conducted by, or investigatory files compiled by, any local police agency for law enforcement purposes are exempt from disclosure. To the extent that records were located, they are either investigatory records themselves or properly part of an investigative file. Therefore, I am denying your request. **The requested records may be available in response to a subpoena or court order.**

Should any records be located, to the extent the information is recorded and maintained by the Los Angeles Police Department, the name and occupation the arrestee, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, all charges the individual is being held upon, as well as a brief description of the circumstances of the arrest can be made available to you upon request.

If you have any questions regarding this correspondence, please don't hesitate to reply back.

Very truly yours,

LAPD Discovery Section, CPRA Unit

[View Request #18-1109](#)

Too many emails? [Change your email settings here](#)

Trouble with the request button? Copy the URL below into your web browser:

EXHIBIT E

From: Ammon Carver <ammoncarver@aol.com>

To: lacity_18-1109-requester-notes <lacity_18-1109-requester-notes@inbound.nextrequest.com>

Subject: Re: Your City of Los Angeles public records request 18-1109 has been closed.

Date: Wed, Jun 13, 2018 4:27 pm

Dear Mr. Beavers,

Your claim of exemption via 6254(f) is not well taken. If you look at subparagraph (1) of that section you will see that you are required to release:

The full name and occupation of every individual arrested by the agency, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, and all charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

The private persons arrest forms I am asking for have no more information than this and probably a lot less. So the PRA actually says exactly the opposite of what you are claiming. It says that the LAPD is required to release these records to me.

Also in case the LAPD is tempted to claim that their arrest records are not organized in such a way that they can tell who was private person arrested and who was not, this is not accurate. As I said at the very beginning of my make this request there is a form they fill out when they take a private person arrestee, so that they do in fact organize information that way.

So 6254(f) says you have to release the info and the forms exist so I believe you can see that 1, LAPD has this info and 2, it is not exempt. Thus you must release it, which I hope you can do quickly because I really need to see it soon

thank you

-----Original Message-----

From: publicrecords@lacity.org <support@nextrequest.com>

To: ammoncarver <ammoncarver@aol.com>

Sent: Wed, Jun 13, 2018 8:33 am

Subject: Your City of Los Angeles public records request 18-1109 has been closed.

-- Write ABOVE THIS LINE to post a message that will be sent to staff. --

City of Los Angeles Public Records

Record request #18-1109 has been closed. The closure reason supplied was:

Dear Ammon Carver:

I have reviewed your request for all "Private Person's Arrest Statements Forms" from Hollywood Station from January 1, 2016 to the present.

Your request was made under the California Public Records Act ("The Act"). The Department is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted in order to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per California Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

In accordance with the California Government Code, Section 6254(f), records of investigations conducted by, or investigatory files compiled by, any local police agency for law enforcement purposes are exempt from disclosure. To the extent that records were located, they are either investigatory records themselves or properly part of an investigative file. Therefore, I am denying your request.

The requested records may be available in response to a subpoena or court order.

Should any records be located, to the extent the information is recorded and maintained by the Los Angeles Police Department, the name and occupation the arrestee, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, all charges the individual is being held upon, as well as a brief description of the circumstances of the arrest can be made available to you upon request.

If you have any questions regarding this correspondence,
please don't hesitate to reply back.

Very truly yours,

LAPD Discovery Section, CPRA Unit

[View Request #18-1109](#)

Too many emails? [Change your email settings here](#)

Trouble with the request button? Copy the URL below into your web browser:

<http://lacity.nextrequest.com/requests/18-1109>

Questions about your request? Reply to this email or sign in to contact staff at City of Los Angeles.

Technical support: See our [help page](#)

Powered by [NextRequest](#)

EXHIBIT F

From: Ammon Carver <ammoncarver@aol.com>

To: n5470 <n5470@lapd.online>

Subject: Re: Your City of Los Angeles public records request 18-1109 has been closed.

Date: Mon, Jul 9, 2018 12:29 pm

Hi Mr. Beavers,

Can you please answer my objection to your determination? Are you sure you know the forms I'm asking for? They have the name of the arrestee, the name of the arresting officer, the law broken, and some other obviously not personal information on them. There is no way these are exempt from release under 6254(f).

Thanks for your help

-----Original Message-----

From: Ammon Carver <ammoncarver@aol.com>

To: n5470 <n5470@lapd.online>

Sent: Wed, Jun 13, 2018 4:28 pm

Subject: Fwd: Your City of Los Angeles public records request 18-1109 has been closed.

Dear Mr. Beavers,

Your claim of exemption via 6254(f) is not well taken. If you look at subparagraph (1) of that section you will see that you are required to release:

The full name and occupation of every individual arrested by the agency, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, and all charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

The private persons arrest forms I am asking for have no more information than this and probably a lot less. So the PRA actually says exactly the opposite of what you are claiming. It says that the LAPD is required to release these records to me.

Also in case the LAPD is tempted to claim that their arrest records are not organized in such a way that they can tell who was private person arrested and who was not, this is not accurate. As I said at the very beginning of my make this request there is a form they fill out when they take a private person arrestee, so that they do in fact organize information that way.

So 6254(f) says you have to release the info and the forms exist so I believe you can see that 1, LAPD has this info and 2, it is not exempt. Thus you must release it, which I hope you can do quickly because I really need to see it soon

thank you

-----Original Message-----

From: publicrecords@lacity.org <support@nextrequest.com>

To: ammoncarver <ammoncarver@aol.com>

Sent: Wed, Jun 13, 2018 8:33 am

Subject: Your City of Los Angeles public records request 18-1109 has been closed.

-- Write ABOVE THIS LINE to post a message that will be sent to staff. --

City of Los Angeles Public Records

Record request #18-1109 has been closed. The closure reason supplied was:

Dear Ammon Carver:

I have reviewed your request for all "Private Person's Arrest Statements Forms" from Hollywood Station from January 1, 2016 to the present.

Your request was made under the California Public Records Act ("The Act"). The Department is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted in order to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per California Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

In accordance with the California Government Code, Section 6254(f), records of investigations conducted by, or investigatory files compiled by, any local police agency for law enforcement purposes are exempt from disclosure. To the extent that records were located, they are either investigatory records themselves or properly part of an investigative file. Therefore, I am denying your request.

The requested records may be available in response to a subpoena or court order.

Should any records be located, to the extent the information is recorded and maintained by the Los Angeles Police Department, the name and occupation the arrestee, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, all charges the individual is being held upon, as well as a brief description of the circumstances of the arrest can be made available to you upon request.

If you have any questions regarding this correspondence, please don't hesitate to reply back.

Very truly yours,

LAPD Discovery Section, CPRA Unit

[View Request #18-1109](#)

Too many emails? [Change your email settings here](#)

Trouble with the request button? Copy the URL below into your web browser:

<http://lacity.nextrequest.com/requests/18-1109>

Questions about your request? Reply to this email or sign in to contact staff at City of Los Angeles.

Technical support: See our [help page](#)

Powered by [NextRequest](#)

EXHIBIT G

[External Message Added] City of Los Angeles public records request 18-1109

From: publicrecords@lacity.org <support@nextrequest.com>
Reply-To: lacity_18-1109-requester-notes@inbound.nextrequest.com
To: ammoncarver@aol.com
Subject: [External Message Added] City of Los Angeles public records request 18-1109
Date: Friday, August 17, 2018 2:03 PM
Size: 21 KB

-- Attach a document and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

City of Los Angeles Public Records

A message was sent to you regarding record request #18-1109:

Dear Requester'

The forms you requested become part of an incident report or arrest report. These forms then become part of an investigation. They are investigatory and can be exempted from disclosure.

If you have a specific case then the information requested could be provided as a summary. You will only need to make a new request.

Respectfully

Legal Affairs CPRA Unit

[View Request #18-1109](#)

Too many emails? [Change your email settings here](#)

Trouble with the request button? Copy the URL below into your web browser:

<https://lacity.nextrequest.com/requests/18-1109>

Questions about your request? Reply to this email or sign in to contact staff at City of Los Angeles.

Technical support: See our [help page](#)

EXHIBIT H

External Message

Requester + Staff

Thanks for answering, but now you seem to be asserting that any record that is placed into an investigative file is exempt from release. This is obviously not true. It's only records that are created as part of the investigation that are exempt. Also, your invitation to make a new request for specific cases is kind, but it's pretty useless without any way to find out what cases there were. I really wish you'd reconsider your stance on this. If you look at the forms I am asking for you will see that there's nothing on there that's exempt and if there is you could easily cross it out instead of making a big deal out of it. Thanks.

August 17, 2018, 2:13pm by the requester

EXHIBIT I

◀ Request #18-2311 ▶

☒ CLOSED

I am looking for everything posted to the Regional Public Private Infrastructure Collaboration System in August 2018. This system is known as RPPICS. This system has an interface at <https://rppics.lapd.lacity.org/> so it's clearly used by the LAPD, making the information there public records.

Received **August 31, 2018** via web

Departments **Police Department (LAPD)**

Documents

(none)

Staff

*Point of
Contact* **LAPD Analyst Leroy N5470**

EXHIBIT J

Subject: There is new information on RPPICS!

From: "City-Wide" <RPPICSHelp@lapd.online>

Date: 5/22/18, 2:45 PM

To: <30926@lapd.online>, <abraham.torres@aus.com>, <aaldridge@universalpro.com>, <pierre.ahnert@aus.com>, <alexander.martinez@farmersinsurance.com>, <alexander.navejas@brookfield.com>, <andrewdeboer@shorehotel.com>, <anthony.rodriguez@universalpro.com>, <rcohen@galaxytheatres.com>, <aschusterman@adl.org>, <chiefall@aol.com>, <bhutter@caruso.com>, <bohanian@musiccenter.org>, <metcalfebrady@gmail.com>, <brandon.jones@brookfield.com>, <bheck@carusoaffiliated.com>, <security@shangrila-hotel.com>, <crosales@avantihospitals.com>, <Chuck.Baley@Farmersinsurance.com>, <Bryant.Manning@Boeing.Com>, <Chris.Perkins@UniversalPro.Com>, <chris.mihm@universalpro.com>, <cfarber@grandcentralsquare.com>, <30105@lapd.online>, <dan.checchi@disney.com>, <oceanlodge@gmail.com>, <djohnston@sunamerica.com>, <david.alexander@ladwp.com>, <dborn@staplescenter.com>, <David.M.Kleinfeld@Disney.com>, <dlambert@universalpro.com>, <david@tcgla.com>, <ad1489@pscsite.com>, <donna.henderson@universalpro.com>, <dough@herbalife.com>, <36864@lapd.online>, <ebroner@hillelhebrew.org>, <eli.razo@brookfield.com>, <emily.c.freeman@disney.com>, <dgornicki@sis.us>, <TempleIsaiahsec@gmail.com>, <henri@shangrilahotel.com>, <john.furayv@usss.dhs.gov>, <Jvuchsas@secoteam.com>, <jperiard@jewishla.org>, <jzisner@aegis.com>, <26936@lapd.lacity.org>, <john_marco@hilton.com>, <John.Mccoy@ritzcarlton.com>, <jlippel@eliteisi.com>, <jose.palomares@brookfield.com>, <seaviewmotel@hotmail.com>, <juan@georgianhotel.com>, <khsanpedro@aol.com>, "Ken Nakano", <31690@lapd.online>, <kristina.olson@sbcglobal.net>, <larry.salit@aus.com>, <len.aarons@fco.gov.uk>, <mcastaneda@pscsite.com>, <mbettenhausen@aegworldwide.com>, <Michael.Rose@Hyatt.com>, <Michael.Swiney@aus.com>, <nadeem@skypepartners.com>, <pat.salter@universalpro.com>, <paul.burr@brookfield.com>, <26035@lapd.online>, <rely8310@gmail.com>, <rnavas@universalpro.com>, <rtufts@lapd.online>, <ruben_miranda@EquityOffice.com>, <32746@lapd.online>, <Selene.Partida@Fourseasons.com>, <shannah.d.field@ehi.com>, <stevefarzam@shorehotel.com>, <security@wiesenthal.com>, <susan.wertz@sheratonlosangeles.com>, <msagro@outlook.com>, <timothy.lee@lacity.org>, <todd.hartley@westin.com>, <Vanessa.Rodriguez@Fourseasons.com>, <wgsecurity@universalpro.com>, <william.sewell@aecom.com>, <william.yomba@brookfield.com>, <yuvalkoren@peninsula.com>

Reply-to: <30105@lapd.online>

Hello!

Just to let you know new information has been posted on RPPICS!

<https://rppics.lapd.lacity.org/Lists/Announcements/AllItems.aspx>

If you no longer wish to receive communications from the RPPICS system, reply to this message with the word: STOP in the subject line.



LOS ANGELES POLICE DEPARTMENT

Regional Public Private Infrastructure Collaboration System

Security ([show explanation](#))

- ☒ This is a public or shared computer
☐ This is a private computer

☐ I want to change my password after logging on

User name:

Password:

[Log On](#)

If you experience any problems logging on please contact Sgt. Craig Kitchener at 213.798.6961.

EXHIBIT K

☒ **Request Closed** [Hide](#)

Public

Requester,

I have received your request for all Regional Public Private Infrastructure Collaboration System postings in August 2018.

In accordance with the California Government Code, Section 6254(f), records of investigations conducted by, or investigatory files compiled by, any local police agency for law enforcement purpose are exempt from disclosure. To the extent that records were located, they are either investigatory records themselves or properly part of an investigative file. There, I am denying your request. The records may be provided pursuant to a subpoena or court order related to pending litigation.

If you have any questions please reply.

Respectfully,

Legal Affairs Discovery CPRA Unit

September 26, 2018, 9:58am

EXHIBIT L

**External Message** [Hide](#)

Requester + Staff

Thanks for your response, LAPD. However, the public records law says (6254.5) once you give these records to some people you must give them to any people because you have waived your exemptions. Look at the email announcements that the RPPICS system sends out when new info is posted. It goes to more than 80 people who include people from Farmer's insurance company, Disney, Boeing, various real estate developers, and so on. These are members of the public as far as LAPD is concerned. There is no targeting of this information to their needs. So LAPD has already waived its right to claim an exemption. Therefore please reconsider. It seems that I am not allowed to upload after you close this request so I can't give you an example but please check this out.

September 26, 2018, 10:38am by the requester
